G.R.S. IX—5]

*Previous references*
Ch. 23-21(1-25)
30-53
" 20-21(3-6)

1921

( Courts )

File No. 23-21

Serial Nos. 55(a), 5674 and 7665-83

*Later references.*
to 177-21(1-12)
Cl. Dept. 497-28 Reserve
C.S. 135-37.
Pol. Dept. 241-250(1-8)

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* Twenty eight

**Part B for** April 1923

SUBJECT

Returns of persons surrendered to the durbar by the Residency under the Extradition Act 1903 during the Calendar year 1921

8(8)21) 2b

The D. Magistrate of Ts.
No. P 6237-44 of 2.2.23

Requests to furnish in future, for the issue of Extradition warrants for the surrender of British Subjects, accused of heinous Criminal offences in Nyasa, information as to the place of residence of the Complainants and the Principal Witnesses in the case

Printed on the Multigraph.

J. Nyasa Thomas 24/4/23

P.T.O.

83) To

The Chief Comm. T.

No. P 10158 of 7.4.23.

Reports to be submitted to Govt. the result of the trial of deserters from the Mysore Levies.

F. R. S. 11] 1921-22

GENERAL AND REVENUE SECRETARIAT.

( 65 )

NOTES.

File No. 23-21

FILE HEADING.

Returns of Persons surrendered to the Durbar by the Residency under the Extradition Act, 1903

From

The Secy to the Hon'ble the Resident

No. 2251 Dated 7.3.22 Received 8.3.22

| Diary No. 340 | Enclos. - Spare Copies. | Serial No. 55(a) |
|---|---|---|

BRIEF ABSTRACT OF LETTER.

Write refer to the statement furnished, stating that the delay in certain cases nos 1-3, 10, 11 & 16-19 has been abnormal & requests that steps may be taken to prevent such delays and also requests certain information re the persons charged for white non-bailable offences.

NOTES AND ORDERS.

There has been a delay of one year & 7 months in cases nos 1-3. In nos 10 & 11 the time between the date of surrendrer has been 8 months & 25 days. In cases no 16 to 19 there has been a delay of one year & six months. They were in Kolar district, Shimoga

NOTES—First Sheet.

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General and Revenue Secretariat. | Ch File No. 23 of 192(

Serial No.

districts & Kolar districts respectively as the cases referred to in para 3 of the letter are from Kolar etc. This fact has already been taken note of.

As regards the information in the proforma regarding the period for which each accused was confined in the lock up in non-bailable offences the same will be called for from the districts in the draft Circular.

i) For approval

Spare
10/3/22
WD
10/3/22

Chief Secy's case
10/3

3) (1) It is necessary to issue a formal Circular to all District Magistrates that ordinarily no extradition cases should be allowed to be pending for more than ~~4~~ 3 months and when the period is exceeded Special Monthly Statements shd be submitted to the Govt. Please draft a circular accordingly.

(2) The Secretariat should scrutinise once a month the list of persons obtained on extradition and promptly enquire wherever a case has not been disposed of for three months.

3401

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General and Revenue Secretariat.

File No. 23 of 1911

Serial No.

after surrender.

(3) The draft letter to the Superintendent of Police, Akola submitted.

4/3
cas
11/3

4) Draft circular letter to the Collectors of Police and Superintendents of Police, Akola for explanation for delay in disposal and not with draft reply to Madras Govt.

11/3

5) Revised draft are now put up as previously instructed by the Joint Secretary. The Member in charge of the division have called for the papers & reply proposed. (Not returned).

10/4/12

6) For approval.

Govt Secy)

cas
10/3

7) (1) Issue draft letter of enquiry to the District Magistrate.

(2) Mailed a fair draft of the letter to the Secy to the Resident and Submitted.

4/3.

cas

14/3

3401

(4

G. R. S. III-2]

General and Revenue Secretariat. | C4 File No. 23 of 1921.

| Serial No. | |
|---|---|
| 56 | No T 4395-402/Genl dt 16.3.22 |
| | To the Magistrates of Srn |
| | Forwards copy of Extradition Statements & requests information re the confinement of accused charged with non-bailable offences during Trial |
| 57 | No 4403 dt 16.3.22 |
| | To the Magistrate, Kdan |
| | Calls for explanation as regards the delay in the Trial of certain cases & requests quick disposal in certain Nos |
| 58 | No 4404 dt 16.3.22 |
| | To |
| | the Magistrate, Srinagar |
| | Calls for explanation for the abnormal delay in the disposal of certain Cases. |

US-32
20.3.22.

(1) Drafts I to III have been issued and the file is submitted with fair drafts as directed in para 7(2) supra. 9) Draft to the Resident for approval

18/3/22

18/3

Gulshan

18/3

3 Nos

19/3/22

(5

3601

G. R. S. III-2]

General and Revenue Secretariat. | File No. 23 of 1921.

45-32

Serial No.

1) Draft Typed. As regards draft, there is no specific mention in previous circulars on this subject which should have been issued from this office. There is a file in which the progress of Swadeshi cases is being watched. The District Magistrate has been asked to submit fortnightly reports. Please put up that file. Reference will be had then of pending the received papers referred to in the Residency letter.

Sd/-
26/3

2) As
(1) Issue draft to the Res[t] (IV).
(2) and attend the order as regards the Dewan point.

Sd 21/3/22 (3) Submitted
Cag 21.3.22

4) In the linked file, the Dewan has expressed a desire to see the reply to the Residency. This may be submitted to the Dewan for perusal before issue

(Orders Secy)

Cag
21.3.22

5) Dewan) Secy: Yes
26/3

Sd 24/3.
Cag
24/3

6) Issue
Sd 27/3 Cag 27.3

DEWAN'S OFFICE
Received on MAR 22 1922
Regd. No. 4948

NOTE—Contn. sheet.

(6

G. R. S. III-2]

General and Revenue Secretariat. | U File No. 28 of 1921.

Serial No. 59

The Secretary to the Hon'ble the Revenue
Pol 896 of 30/3/22.

With reference to Sl. 55(a), it is stated that the District Magistrates have been addressed to see to the speedy disposal of cases in which British subjects have been summoned to Gudalur for trial. In regard to para 3 & 4 of the letter under reply it is stated that the information will be furnished as soon as it is received from the District Magistrate.

(b) Submitted with reference to paras 11 & 13 supra. The file referred to in para 11 viz. Cls 100 of 1920-2 is herewith produced. At the time when the last return was forwarded to the Residency Cases against some of the persons (Akkolappa, Imam Sahib, Venkatappa & Rama) referred to in Sl No 54 addressed to the D.M. Kolar, were also pending. Explanations of magistrates before whom they were pending were also obtained (vide Flag X in the linked file & also Sl 64.

(c) As regards previous circulars referred to in para 11 it is submitted that there do not appear to have been issued any in the matter of watching disposal of cases. Fortnightly progress reports were called for from the D.M. Kolar in certain of the cases, which

G. R. S. III-2.

General and Revenue Secretariat. | C5 File No. 23 of 1921.

Serial No.

which are also referred to now by the Residency in their letter under Para 2 in the linked file etc 15th Sep 1920.

Submit for orders

Bose 31/3/22

31/3

(9) Please await follow up if received the reports of the District Magistrates regarding the delay. They have been called upon to furnish the information called for.

Cag 4/4

(8

3724
8

G. R. S. III-2]

General and Revenue Secretariat. | Cy File No. 23 of 1921.

| Serial No. | |
|---|---|
| 60 | Letter No. D2 ors 1574/gen 21-22 dt 28.3.22 from the District Magistrate, Shimoga. With reference to this office enquiry dated 6.3.22 forwards the explanation of the Spl First Grade Magistrate, Shimoga in the matter of the delay in deciding cases against Kaliga & Lamnakama whose surrender was obtained on 24.11.1969 |
| 20) | The main file was submitted in connection with the issue of a general circular to watch the decision of such cases on 31/3/1922. The explanation was called for to explain about the matter to the Residency. Submitted 4.4.22 |
| 21) | In person. After information is received regarding Mrs, draft to the Residency will be put up. |

8(61)
From
D.C. Bldr
No. 150 of 3.4.22.
Moorso as consolidated
The Comml-Ops R reports
receives from the Spl.
Magistrates in the
district.

Gen Secy.

4/4

4/4

4/4

CS

8 DEPTT
13/4

REVENUE SECTT
17 APR 1922

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-8-19—S.

3970/g.

G. R. S. III-21

General and Revenue Secretariat. | CS File No. 23 of 1921.

| Serial No. | |
|---|---|
| 62 | Letter no $D_2$ dis 219/21-22 dt 13.4.22 from the Deputy Commr Jhelum. With reference to this office no J 4395 dt 6.3.22 forwards a list of persons surrendered for trial in his dt & the manner in which they were treated during their trial |
| 63 | Letter no $D_2$ dis 85/21-22 Dated 13.4.22 from the District Magistrate, Chitaldrug. Forwards a reply in the same matter |
| 64 | Letter no $D_2$ dis 158/J-21-22 dt 17/18.4.22 from the Dt. Magistrate, Shimoga. Forwards a statement showing the persons surrendered for trial in his district & the manner in which they were treated during the trial |
| 22) | Replies from other districts ~~if appeared~~ 23) yes cas 21.4 |

Bm 20/4/22
ND 20/4

Ch

NOTE—Contn. sheet.

5 T 0

(10

G. R. S. III-2.

General and Revenue Secretariat. | C5 File No. 23 of 1921.

Serial No.

1) Letter No D2 dis 190 dt 3.4.22

From

The dt magistrate, Bangalore

With ref to this Office enquiry dated 16.3.22 regarding whether the persons surrendered under extradition warrants during 1921 were confined in the lock up for the whole period forwards a statement received from the Special Magistrates in his dt

2) The main file has been sent to the Second number for issuing a circular to dt magists to watch the progress of trials. The reports from Dist dt magistrates may be awaited Sd 25/4 C.S. 11.4

Note 8.4.22

2a) Issue reminder in a week in case they are not received

6/5/22

Letter No 396/J.C dated 19.4.22

From

The District Magistrate Kadur

With ref the circular letter dated 16.3.22 forwards a statement showing the manner in which persons surrendered under extradition warrants for trial in his district were confined during trial.

JUDICIAL AND PUBLIC DEPT. RECEIVED 12 APR 1922 JUDICIAL BRANCH.

NOTE—Contn. sheet.

G. R. S. III-21

3787 4131 4132 (11)

General and Revenue Secretariat. — C/5 File No. 23 of 1924-2

| Serial No. | |
|---|---|
| 27 | The main file has not yet been received with orders. Submitted herewith a draft reminder. 29) Issue cur. 25/4/22 29/4 |
| | No. J. 5024-5 of 29.6.22 |
| | From |
| 66 | The Dt magistrate Meerut |
| | Letter no D2 Dis 452 d 28.4.22 |
| | States that the persons surrendered to his district were confined in the lockups until the final judgment |
| | From |
| 67 | The Dt magistrate Hardoi Dt |
| | Letter no D2 Dis 159 d 29.4.1922 |
| | States that out of 3 persons surrendered to him two were confined from the date of surrender to the final judgment in the lockups and one was on bail till the case was disposed of |
| Cases traced | 29) The main file solicited to member has not been received with orders yet the return may be awaited 30) Issue cur. 1.5.22 |

NOTE—Contn. sheet.

(12

3401
4132 4382

G. R. S. III-2.

General and Revenue Secretariat. | File No. 23 of 1922.2

Serial No.

31) Reply from the Dt magistrate Kolar has not been received yet. Submitted with a draft reminder.

10.5.22 32) Draft approved by Asst Secy may issue.

SBR 11/5 33) yes cwr 12/5

x Issued no of 5225 dy 13.5.22

68 From
The Dt magistrate Kolar
Letr no Dy Dis 542 dy 20.5.22
forwards a statement showing the periods of detention in lockup of the several persons surrendered to this district

34) Information required under Residency Letr para (4) Vide SI: 559 has been received. The other information required in para (3) is still due. If approved the Residency may be furnished with the information now received Submitted with a draft.

23.5.22 35) Please put up a clean draft as revised cwr 25/5

36) 25/5 Revised draft is put up

37) For approval
Gen Secy
cwr 26/5

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

4382/25

C8 File No. 23 of 1921

Serial No.

38) Aft may be appd.

39) Thers have been frequent delay in supplying the urgent enforcement Reg^n. Remind D.m's by Special D.o. over my Signature.

40) The A.S. shd have self-checked Statement now being sent to the Reg^n.

The circular to the D.m's after delay is awaited. As the Spec^l has not been able to trace any old circular on the subject. Nil draft already in the file (no V) may perhaps be appd.

3/5

57-80 3/5

2nd number) 41) appd

1/2

42) Issue draft to Reg^n as the circular (draft marked V) to Dist Magts.

ISSUE & RESUBMIT.

43) wants this 2 then a reminder

cas Ye

NOTE—Contn. sheet.

G. R. S. III-2]

4475 J (14)

General and Revenue Secretariat.

C5 File No. 2 3 of 1911-12

| Serial No. | |
|---|---|
| 69 | The Secy to the Hon'ble the Resident<br>D.O. 1285 J 6.6.12<br>Forwards a list of persons who were let on bail and states that further information will be sent in due course |
| 70. | To<br>The Dt. magistrates of Districts.<br>a Registered letter Limt.<br>Calls for a monthly report showing the progress of cases against persons surrendered under the Indian Extradition Act. |
| 71 | From<br>The Dt magistrate Kolar.<br>Letter no 662 J 31.5.12<br>Forwards the explanation of the magistrate concerned for the abnormal delay in the disposal of the cases against Basappa Subbi Reddi and Others.<br>44) The District magistrate states that the case against Narayanasami Mudaliar is still pending and he has not forwarded any explanation as to why the case is pending. He desires in para (3) of his letter want an explanation in this case also. Submitted with draft to the Dt. magistrate Kolar calling for the ~~explanation~~ explanation |

NOTE—Contn. sheet.

7

7/6/12

7/6

£5 Issue 9.6

WD A 1789—GPB—60,000—20-3-13—S.

G. R. S. III-21

4767/g

15

General and Revenue Secretariat.

c/b File No. 23 of 1921-2

| Serial No. | |
|---|---|
| 72 | To<br>The District Magistrate Kolar<br>Yr. 5661 of 10.6.22<br>With reference to the above request him to forward the explanation of the Spl. Magte, K.G.F. for the delay in the disposal of the Case against Narasimhaswamy Moodr. and to inform the stage in which it is pending.<br>From |
| 73 | The District magistrate Kolar<br>Letter no Nyc 662 dt. 27.6.22<br>Forwards the explanation of the special magistrate K.G.F for the delay in the disposal of the case against one Narayanaswamy mudaliar.<br>Submitted with 2 drafts |
| 46 | 4) Issue the draft to the District magistrate. Submit the draft to the Residency to the Govt Secy for approval. Type draft may be put up |
| 30/6/22 | |
| 317 | |
| 7/7/22 | To<br>The D. M. Kolar<br>P. 272 of 11.7.22.<br>With reference to the above request him to ask the Magistrate to dispose of the case as early as possible & the result of the trial intimated |

SUBMIT.

NOTE—Contn. sheet.

476/-

G. R. S. III-21

General and Revenue Secretariat.

C.S. File No. 23 of 1922

Serial No.

48) Submitted with a typed draft with reference para (47) above

11.7.22 Gen Secy. 49 For approval

147 car 14.7.22

729/28-7-22. Second Enrd

50) approved 27-7-22

31/7 car 27.7

31/7/22

51) May the Rajas assume? 52) yes car 31/8

76 31.7.22 To

The Secy. to the Resident

No. Pol 138 of 12.8.22

States that the accused in the case against Nos 6, 7 & 9 have been discharged under Sections 253 Cr. P.C. and that the case against No. 58 Narayanaswami Mudaliar was posted by the Sheriff Magistrate for hearing to 3rd July 1922, the result of which will be intimated in due course.

15 AUG 1922 JUDICIAL DEPARTMENT 1578/51

53) Submitted with a draft reminder calling for the result of the trial upon the case against Narayanasamy Mudaliar.

21.8.22 car 31/8 54) Issue. car 31/8

Issued no P 1455 of 22-8-22

to Secretary.

NOTE—Contn. sheet.

(17.

1216

(G. R. S. III-2)

General and Revenue Secretariat. | Cb File No. 23 of 19 24-2

| Serial No. | |
|---|---|
| 76 | From<br>The Secy to the Resident. Letter no B 966/52 dated 30.8.22<br>With reference to No: 76. observes that it might be more convenient to speedy justice if such cases were tried in British Courts under a certificate under section 188 CRPC and that the residence of principal witnesses and complainant may be noted in future requisitions for the extradition of British subjects.<br>53) Basappa Kuppiswamy and Lebbe Reddy were extradited for trial in Bellary Court cases of Cheating and Forgery. The cases dragged on for 2 years for absencing witnesses residing in British India and disposed of on 12th May 1922 the accused being discharged under section 253 Criminal Procedure code. The Residency wanted to know the cause of delay in the disposal of these cases they were informed that one owing to the absence on the date of hearing of a large number of witnesses who are residents of British India and as there are no means of compelling their attendance, the case had to be adjourned for a large number of times which accounted for the delay. |

G. R. S. III-2]

General and Revenue Secretariat. | C/ File No. 25 of 19 24-V

Serial No. 5 (b) the Residency now suggest that such cases were tried in British Courts under a certificate under section 188 Cr.P.C, it will conduce to the speedy disposal of justice. They request that the place of residence of complainants and the principal witnesses may be noted when requisitions for extradition warrants against British subjects are made, perhaps with the idea that such cases may be transferred to the British Courts. If extradition is allowed in such cases, the result of the trial may be communicated to them as soon as the case is disposed of.

(c) This shows rather the necessity for reciprocity in the execution of warrants between British India and Mysore. When the application for the issue of an extradition warrant is made, the magistrate has no means of knowing the principal defence witnesses. Once a prima facie case is established, only such of the principal witnesses who are required to be cross examined by the defence may have to come to court. The number of defence witnesses will be large. By simply noting the residence of principal witnesses for the prosecution and the residence of the complainant, the case has to be transferred

Serial No.

be a British court for trial, there may be a large number of cases to be transferred to British courts especially cases of the frontier districts of mysore. 58) If every offence committed in mysore is to be transferred to British Courts, then the ground that there are a large number of witnesses residing in British India, the question of prestige comes for consideration. The mysore courts are in no way inferior to British courts. These further add to the necessity for reciprocity in the execution of mysore warrants in British India. If this question can't be solved, there is no other alternative. The district magistrates should have to be instructed in the matter.

Submitted for orders.

B/
24/9/1922

From

78 The C.S. Nelliore. Letter no 662 dt 1.9.22 stating that Narayanaswamy Mudaliar was convicted under section 406 I.P.C and sentenced to a fine of Rs 120/- or in default to undergo rigorous imprisonment for 4 months. Submitted with a draft to the Secretary. After issue this will be resubmitted for orders with reference to the Secretary's letter of the 30th August 1922.

B/
24-9-22
Noted
9/9

1709

(20

G. R. S. III-2

General and Revenue Secretariat.

CS File No. 23 of 1921

Serial No.

6a There is something wrong in this case. How can a rigorous imprisonment be inflicted in default of fine inflicted with the any punishment? Mean time with the DPC

Case q-q-n

Send.

6) Section 66 IPC applies to the case. Here does not seem to be anything wrong with the imprisonment awarded as the court can impose in default of payment of a fine, the kind of imprisonment to which the offender might have been sentenced for the offence. The offence under Sec 406, IPC is punishable with imprisonment of either description upto 3 years or with fine or with both

IPC is also perhaps

11/9/21

ISSUE & REMIT.

Apl 1249

6a) Issue

Case 14/9

79

Q

The Secy to the Hon'ble Mr Moodaliar

PC 261 of 14/9/21

States that the case against Paramasivam Mudaliar has been disposed of on the 8th August & the accused was convicted under Sec 406 IPC sentenced to pay a fine of Rs 200/- in default to undergo R.I. for 4 m

Resubmitted for orders 8:77 (P. Rd. Kind reference is invited to paras (5 & 58)

16.9.21

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 2-3 of 1921-2

Serial No.

64. The proposals of the Residency are:—

(i) that when sending requisitions for the extradition of British subjects the places of residence of the complainant and the principal witnesses should be noted, ~~in the application~~; and

(ii) that when extradition is allowed in such cases, the result of the trial should be communicated to the Residency as early as possible after conclusion.

65. Proposal 1. Under para 3 of the Rules issued by the Governor General ~~in Council~~ in exercise of the powers conferred by the Indian Order in Council 1902, the Political Agent should, if the accused person is a Br subject, before issuing a warrant under Sec 7 of the Extradition Act, consider whether he ought not to certify the case as one suitable for ~~a~~ trial in Br India and he should, instead of issuing a warrant, so certify the case, if he is satisfied that the interests of justice and the convenience of witnesses can be better served by the trial being held in British India. The first proposal now made is in accordance with this rule, though till now extradition warrants

Please see page 87 of the Extradition Manual portion

(22

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 23 of 1924-2

Serial No.

Yes | have been issued by the Resident in ~~almost~~ all the cases except where, in the Residents' opinion, the Durbar courts had no jurisdiction with the cases (e.g. case of theft of sandalwood by Mandanapillamma)

or where no prima facie case was made out. | The delay in the disposal of the case against Basappa, Kuppuswami & Subbi Reddy is the cause of the present proposal of the Residency to follow the Rule referred to strictly. The delay in ~~the disposal~~ trial of the disposal of cases against extradited persons is of rare occurrence & ~~it~~ under recent orders many returns are being received & scrutinised in this office with a view to ~~notice~~ avoid delay.

66. The Residency wants to be informed of the residence of the complainants & witnesses. This only the residence of the Prosecution witnesses that can be intimated and not the Defence witnesses - who can be known only after the accused ~~extradition~~ is surrendered & charged for the offence. So, if on the ground

Yes | ans

NOTE.—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | 25 File No. 25 of 1921.

Serial No.

of the residences of some or all the Prosecution witness being nearer to the British Indian Courts, ~~as in the case~~ the Presidency decide upon the trial of the accused in Br India, and if later on the Defence witnesses are seen to belong to distant places, ~~the same delay as happened in the case above cited~~ it follows that ~~will be~~ delay cannot be avoided. by the mere trial of the case in Br India, The recent case of Mandanapiri amma may be cited as an instance of delay even in the Br Courts.

67. The disability that exists in regard to the serving of criminal processes issued by the Mysore Courts in Br India & the issue of warrants in cases in which summons are not obeyed seems to be largely accountable for the delay in the disposal of such cases. If reciprocity is obtained in regard to these matters, Delays of the kind in question are sure to disappear. Whether the Resy can be addressed in the matter is for

Mr. Hiley for further orders

24

F. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 25 of 1921

Serial No.

Considerations

68. Proposal (ii) ... A return showing the disposal &c of cases against extradited persons is being furnished to the Residency annually in February. The present proposal is that the Durbar should intimate the result of the trial, as each case is disposed of. This means additional correspondence & it would be some relief if, as a set off against this, the annual return is dispensed with.

69. If it is decided that the proposals of the Residency are to be accepted, the forms of application for Extradition warrants will have to be revised & a circular prescribing the new form & asking for the intimation of the trial in each case will have to be issued to the Dr Magles.

Submitted for orders.

APR 8/20

70. If all cases of a magnitude & them, in which extradition of the accused is requested, is to be tried in British Courts, it will seriously affect the prestige of His Highness' Govt. This aspect of the question may perhaps be brought to the notice of the Residency, with

Serial No.

a request that the practice in vogue may perhaps be left unaltered. An assurance may be given that every effort will be made to expedite the disposal of such cases & to report the same promptly.

As observed in the note, it is possible only to give the addresses of the complainant & the prosecution witnesses, but to determine the place of trial in the absence of any information as regards the residence etc of the defence witnesses, is hardly desirable & might not be in the interests of justice.

Govt. Secy. 17/4

(1) If a British Indian Govt. wants a British Indian subject for trial, the Resident can certify under Sec 188 of the British Indian Cr. P. Code without reference to the Mysore Govt. But if Mysore wants a Mysore subject for trial — of course in each case for an extra territorial offence, Mysore has to obtain the permission of the British Indian Govt. under Sec 188 Mysore Cr. Pro Code.

Minute of Extradition put up.

(26

G. R. S. III-21

1309
P

General and Revenue Secretariat. | 45 File No. 23 of 1922.2

Serial No.

There is no reciprocity. By legislation, favoured treatment has probably to be obtained. Whether the second clause in the proviso of Sec 188 ~~of~~ from Myore Cr P Code can be repealed is perhaps a question that cannot be at once taken up. For orders

Second Member) 17/11/22

72) The limited file of a particular case in which the new practice of certifying a case instead of granting extradition has been adopted by the Residency

3178
18-11-22

Second Member) 17.11.22

(47)

G. R. S. III-21

General and Revenue Secretariat. | C5 File No. 25 of 1921-2

Serial No.

73. Despite the apparent intention of the Magistrate to avoid delay in the disposal of cases, it appears that the accused and that it should be avoided as far as possible, that the Magistrate has issued specific instructions to the Magistrates to pay special attention to the speedy disposal of cases against summoned persons, but that in the case in question the delay was unavoidable and due mainly to the tactics adopted by the accused and the lawyers who wanted by all means to weaken the case for the prosecution by keeping away the prosecution witnesses and that generally the cases of summoned persons are disposed of by the Magistrates as promptly as possible. As regards the request for the addresses of the complainant's witnesses to furnish the first case there is no objection but as they may be likely to object that the procedure suggested by the accused is contrary to the provisions of a subpoena issued by the Hon'ble Magistrate under Section 160, Cr. P. Code, which generally is served through the witnesses will be put to considerable inconvenience and the same result as in the case of subpoena duces tecum may happen, and

G. R. S. III-21

General and Revenue Secretariat.

C5 File No. 23 — 10 of 1922

| Serial No. | |
|---|---|
| | Mr. Mangini law degree & practice in Criminal classes in British India being interested to come in Foreign Negroes training with impurity which shd be avoided. |
| | Advt 22/11 |
| 74) | A S Urgent 23/11/22 |
| | C5 23/11 |
| 75. | Submitted with a draft |
| | 24.11.22 Sunday 25/11 |
| 76) | A typed draft has been put up for approval |
| | Second Draft 30/11/22 |
| 77) | Draft appd. |
| 78) | 3715 9.12.22 Notice submitted Mr. Mangini has been issued |
| | Advt 5/12 |
| | Second 9/12/22 |
| 79) | Mary's case |
| | A S 11/12/22 |
| (80) | Done 12/12 |

DEWAN'S OFFICE.
Recd. on DEC 9 1922
Regn. No. 3406

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 23 of 1922

13/89 3222 P (24

| Serial No. | |
|---|---|
| 80 | The Secy to the Resident — No. 539 & 13.12.22 — Explains the delay in the disposal of Cases against certain extraditee persons and requests that the trial of Cases in Mysore in which the accused to be surrendered are British subjects may be allowed as heretofore. |
| 81 | From the Secy to the Hon'ble the Resident — Letter no 10093/S-2-1900 & 21.12.22 — States that it is not intended to introduce a radical change in the present system and assures that only in rare cases a certificate will be issued in preference to a warrant 81) Submd for perusal of orders Ref para 3 above 82) On the receipt of the assurance given in the last para of the letter, no further action appears to be necessary in the matter. Sd/ Secy 2 |
| 83 | 2nd Member) — Seen any objection to Magistrate Officers being empowered for the purpose. Sd/ Secy 1.8.1.23 |

19 DEC 1922 JUDICIAL BRANCH.

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

ISSUE & RESULT

File No. 2 3 of 19 2[illegible]

(30

Serial No.

85) Issd with a draft

[illegible] 29/1

19/11/23 [illegible] 9/1

86) Resubmitted with answer to the query on the draft

[illegible] 29/1

87) Appd. Sinha

[illegible]

30. 1. 23

82) 2

The Dist. Magistrate

Circular No. 6237-44 G 2.2.23

directs that certain information be furnished when applications are made for the issue of Extradition warrants.

Issue presumably with the form of application for extradition of military deserters to be communicated to the Chief Commissioner in a separate paragraph of the draft circular

38) Issd with a draft to the Chief Commissioner

8/2/23 87) The O.M. already issued is.

Confined to the trials of ordinary convicts in the U.P. Similar reports have to be submitted re arrest of military deserters for being intimated to the Residency.

90) The form of Extradition application re Military deserters was shown to Mr. Oglesby in person who advised that a separate memo may be issued to the Chief Comm[r]. Hence the draft

28/2/23

91) Issue cas 4/4

NOTE—Contn. sheet.

(31

G. R. S. III-2

General and Revenue Secretariat

6h File No. 23 of 1924

| Serial No. | |
|---|---|
| 83 | To<br>Mr. Ch. Leandr. Om. no. p. 10158 dt. 7.4.23<br>Reports that the result of the trial of deserters surrendered for trial may be intimated as soon as each case is disposed of |

1 APR 1925

JUV Records Unit

Pol 1178

(32 DIARY No. 3401

No. 2251
52-1900

FORM NO. 2.—R. P. B.—7-1921.—1,000.

ENC. 1921-1922

SECTION ch

FILE No. 23-27-56(a)

FROM

MAJOR C. T. C. PLOWDEN, I. A.,
SECRETARY TO THE RESIDENT IN MYSORE.

8 - MAR 1922

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General Department.

JUDICIAL SECRETARIAT
8 - MAR 1922
JUDICIAL BRANCH.

Dated Bangalore, 7th March 1922.

EXTRADITION RETURN.

SIR,

I am directed to acknowledge the receipt of your letter No. Pol.736, dated the 10th February 1922, forwarding a statement of persons surrendered to the Durbar by the British authorities under the Indian Extradition Act of 1903 during the calendar year 1921.

2. I am now to invite the attention of the Durbar to decided cases Nos. 1-3 (Era, Sampangi Ramaiya, Thimmaiya), Nos. 10-11 (Babiga & Sannarama), 16-19 (Akkalappa, Imam Sabi, Venkatappa & Rama), and No. 38 (Angamuthu) in the statement forwarded, and to say that, in view of the abnormal delay disclosed in deciding these cases in which the accused are British subjects, the Resident would be glad if the Durbar would take such measures as may be necessary to prevent abnormal delays in future in disposing of the cases of British subjects who are extradited to Mysore and to ensure that such cases are decided within a reasonable time.

3. I am also to request that the Durbar will be so good as to intimate why cases Nos. 6,7 & 9 (Basappa, Kuppusam Subbi

37/

& Subbi Reddy) in particular, and No.58 (Narayansami Mudaliar) have been pending for such a long time. The Resident would be glad if special steps are taken to ensure the early disposal of these cases, and of a report, when they have been decided, of the result of the trial with details of punishment awarded in each case.

4. I am further to add that it is noticed that, in most cases, the accused persons were charged with non-bailable offences, and to inquire whether they were confined in the lock-up for the whole period, and, if not, to request that the Durbar will very kindly note the period for which each accused person was so detained.

I have the honour to be,

Sir,

Your most obedient servant,

SECRETARY TO THE RESIDENT.

WB

BJ

G. R. S. VI—G/32]

SUBJECT.....

*Diary No. of letter replied to*

General and Revenue Secretariat

, the 191

Date of issue 16/3/22

Signed by

Section

File No. 23-21

Serial No. 58

No. 4395-402/one

To

The district magistrates of Ch-

Sir,

I am directed to forward herewith a list of persons surrendered under extradition warrants for trial in the State Courts of Travancore-Cochin.

I am directed to request that as regards the persons tried in your district, charged with non-bailable offences, information may be duly furnished for communication to the Residency

OSDK.

A.M.O

as to whether the persons
were confined in the Lock-up
the whole period between the
date of surrender & the final judgment
and if not to state the
period for which each accused
person was detained.

An early reply is requested

I have etc

Sheriff.

The Secretary.

Steps should also be
taken in future to
carry into effect the
Case and instructions issued
by the Magistrates in reference to the trial of
these Cases.

cwr
1873

*List of enclosures.*

*Copied by*

*Examined by*

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

*Diary No. of letter replied to*—————

Section

File No. 23-21

Serial No. 57

General and Revenue Secretariat

( )

No. 4203

*, the* 191

Date of issue 16/3/22

Signed by D.R.O. C.A.G

To

The District Magistrate Kolar

Sir,

I am directed to invite attention to the marginally noted persons whose surrender was obtained for Trial in your District on dates noted against them & to enquire what the cause of such abnormal delay was in deciding their cases.

The explanation of the Magistrate concerned may be kindly obtained & forwarded early.

over.

| Name | Offence charged | Date of surrender | Date of finding |
|---|---|---|---|
| Tora | S. 379 I.P.C. | 18.8.19 | 25.4.21 |
| Sampangi Ramaiya | " | 19.8.19 | " |
| Thimmaiya | " | " | " |
| Akkolappa | S. 379 I.P.C | 6.12.19 | 11.4.21 |
| Imam Sahi | " | " | " |
| Venkatappa | " | " | " |
| Rama | " | " | " |

P.T.O

for Joint Secretary

As regards the cases against Basappa, Kuppusami, Subbi Reddi & Narayanasami Mudaliar, I am to point out the desirability of taking special steps to ensure the early disposal of the cases & communicating the result to this office at an early date along with an explanation showing the reasons for the long delay.

I have &c

for Secretary

List of enclosures.

Copied by

Examined by

III

38

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

*Diary No. of letter replied to*.....

General and Revenue Secretariat

( )

*the* 191 .

Date of issue 16/3/22

Signed by Dy C.A.G

Section C4

File No. 23-21

Serial No. 58

No. 4L004

To

The District Magistrate

Shimoga

Sir,

I am directed to invite attention to the marginally noted persons whose surrender was obtained for Trial in your district on dates noted against them & to enquire what the cause of such abnormal delay was in deciding their cases

over.

| Name | Offence charged | Date of surrender | Date of Sentence |
|---|---|---|---|
| 1) Baliga | S. 457, 380 & 392 I.P.C | 24.11.19 | 19.8.20 |
| 2) Sannakama | do | | |

D

R.C.

16/3

Pol IV, G 23-21-59 (40

To Pol 895 R 30/3/22

The Secretary to the Hon'ble
the Resident in Mysore.

Sir,

With reference to your letter No.2251 dated 7th March 1922 regarding the Extradition Return for the year 1921, I am directed to state that the District Magistrates will be asked to take steps to prevent avoidable delay and ensure speedy disposal of cases in which British Subjects have been surrendered on Extradition for trial.

2. In regard to paragraphs 3 and 4 of the letter under reply I am to state that information has been called for from the District Magistrates concerned and a reply will be sent in due course.

I have etc.

18/3

Secretary to Government,
Genl. Deptt.

49144

Office of the District Magistrate,
Shimoga District,
Dated Shimoga, the 28th March 1922.

No:D2.Dis.154/Judl.21-22.

From

G. Aravamudu Iyengar, Esq, B.A., B.L.,
District Magistrate,
Shimoga District.

To

S. Hiriannaiya, Esq., M.A., B.L.,
Secretary to Government,
General Department,
Bangalore.

Sir,

With reference to your letter No:J.4404/Cts.23-21-58 dated the 16th March 1922 enquiring the cause for the delay in deciding cases against Baliga and Sanna Rama, whose surrender was obtained in this District on 24th November 1919 and calling for the explanation of the Magistrates concerned, I have the honor to forward herewith copy of letter No:1096 dated the 23rd instant from the Special First Grade Magistrate, Shimoga explaining the circumstances which led to the delay in the disposal of cases against the persons referred to above.

I have the honor to be,
Sir,
Your most obedient servant,

for District Magistrate,
Shimoga District.

SGR.

Inc 5/160 42

Letter No:1096 dated 23/24th March 1922 from the Special First Grade Magistrate, Shimoga, to the District Magistrate, Shimoga District.

"""""""""""""

With reference to your No:J.C.481 of 21-22 dated the 21st instant requiring explanation for the abnormal delay in deciding the case (C.C. 175 of 19/20) against Babiga and Sanna Rama who were surrendered on 24th November 1919 to this court on extradition warrants and had to await decision of the case till 19th August 1920, I have the honor to state that the delay was due to three ~~cases~~: Causes.

(1) Those two persons had to be tried with two others viz., Thimma and Venkata (1st and 2nd accused) who had been discovered to be undergoing imprisonment in District Jail at Karwar in North Canara and against whom priliminary enquiry was being conducted for applying for extradition warrants. As that enquiry was closed and extradition warrants were applied for on 24th December 1919 for the surrender of these two persons, their surrender was expected and awaited by my predecessor. They were produced before court on 5th March 1920. This circumstance accounts for the delay up to that period.

(2) Witnesses in this case had to come from long distances. Some of the witnesses evaded service and others did not attend though served, compulsary process had to be issued to secure their attendance. A few other witnesses had to come from North Canara. There was some delay in having processes served on them. At last an important witness (Hulagi) who had to come from North Canara had to be dispensed with after repeated attempts to get her served and secure her attendance.

(3) During the trial of all these four accused persons ie, on 23rd July 1920, Venkata (2nd accused) was reported to have escaped from District Lock-Up. On the representation that there was probability of his rearrest within a short period his rearrest was awaited for some time. As he was not found, the case was proceeded with against the remaining accused and was disposed of on 19th August 1920.

"""""""""""""

" C o p y ".

by K.J. Brett
District Magistrate,
Shimoga District.

SGR. Clerk

Cts-23-21-61 3785 43

Office of the District Magistrate,
Bangalore District,
Dated Bangalore, the 31st March 1922.
3.4.22

D. Secs. No. 190 / Gen. I 49471

From

B. Ramaswamaiya, Esq., B.A., B.L.,
District Magistrate,
Bangalore District.

GEN & REV. SEC
4 - APR 1922

To

S. Hiriannaiya, Esq., M.A., B.L.,
Secretary to the Government of Mysore,
General Department, Bangalore.

Sir,

With reference to your letter No.J.4395-402/Cts.23-21-56 dated 16th March 1922 forwarding a list of persons surrendered under extradition warrants for trial in the State during the calendar year 1921 and requesting me to furnish information as to whether the persons were confined in the lockup for the whole period between the date of surrender and the final judgment etc., I have the honor to forward herewith a consolidated statement on the reports received from the four Special Magistrates in the District.

I have the honor to be,
Sir,
Your most obedient servant

B. Ramaswamy

District Magistrate,
Bangalore District.

Hs

cs 23-21-62

3931
9

(45

Office of the District Mgaistrate,

Tumkur District.

Dated Tumkur, the 13th April 1922,

From

M.G.. Krishnaswami Rao, Esquire, B.A.,

District Magistrate, Tumkur District.

TUMKUR.

To

S. Hiriyannaiya, Esquire, M.A., B.L.,

Secretary to the Government of H.H. the Maharaja

of Mysore, General Department, BANGALORE.

Sir,

With reference to your letter No. J. 4395-402/Cts 23-21-56 dated 16th March 1922 forwarding a list of persons surrendered under Extradition warrants for trial in the State, and calling for certain particulars regarding them, I have the honor to append in the margin

| Name | Date of surrender. |
|---|---|
| 1. Bandiah | |
| 2. Hanumantha | 22-3-1920. |
| 3. Thimma | |
| 4. Budukodu | |
| 5. Chinnakodappa | |
| 6. Venkatiga | 18-9-20 |
| 7. Musaliga | 1-10-20 |
| 8. Venkatappa | 14-7-20 |
| 9 Doddavenkatiga | 8-7-20 |
| 10. Narasiga | 30-3-21 |
| 11. Ramaga | 30-7-21 |
| 12. Mallaga | |

a list showing the number of persons surrendered for trial in this District -- during the years 1920-and 1921 and to state that all of them were confined in the Lock-up for the whole period between the date of surrender and the final judgment.

I have the honor to be,

Sir,

Your most obedinet servant.

M G Krishnaswami Rao

District Magistrate.
Tumkur District.

D.

50421

1921-1922

**From**

The Deputy Commissioner,

Tumkur District. TUMKUR.

**To**

The Secretary to the Govt of H.H. the Maharaja of Mysore, General Department, BANGALORE

**Dated** 13th April 1922.

**Despatched** 13-4-'22

**Received** 15 APR 1922

**General No.**

**No.**

**Enclosure No**

---

Forwarding a list showing the number of persons surrendered for trial in this District during the years 1920-1921.

JUDICIAL ARCHIVES 17 APR 1922

46, 47.

23-4-63 3933 46

191 9 5037

From The District Magistrate,
Chitaldrug District.

To The Secretary to Government,
General Department, Bangalore.

Dated

Despatched 12th April 1922

Received 13th

Dzdi 15 APR 1922

General No. 85/21-22
No.

Enclosure No. nil

JUDICIAL BRANCH.

Sir,

With reference to your letter No.J.4395-402/Cts.23-21-56 dated 16th March 1922 enquiring as to whether the prisoners surrendered for trial to the various courts of this District during the calendar year 1921 were confined in the Lockup for the whole period between the date of

Cf 23-11-64

50772

3970
g

48

Office of the District Magistrate,

No.D.2.Dis.153/Judl.21-22. Shimoga District,

GEN & REV.

19 APR 1922

Dated Shimoga the 17/18th April 1922.

From

C. Aravamudu Iyengar, Esquire, B.A., B.L.,

District Magistrate,

Shimoga District.

Cf 19/4

To

S. Hiriannaiya, Esquire, M.A., B.L.,

19 APR 1922

JUDICIAL BRANCH.

Secretary to Government,

General Department,

Bangalore

Sir,

With reference to your letter No. J.4395-402 Cts.23-21-56 dated the 16th March 1922 forwarding a list of persons surrendered under Extradition Warrants for trial in the State during the Calendar year 1921 and requesting to furnish information as to whether the persons tried in this District were confined in the Lock - up for the whole period between the date of surrender and the final judgment, I have the honour to state that the marginally noted persons tried in this District were confined in the Lock-up for the whole period as shown against each, except Venka shown against Serial No: 29 who having escaped from the Lock-up, Shimoga on 17-7-1920 was not confined in the Lock-up till - 15-11-20 the date on which he was resurrendered.

@

| Sl.No: as per list recd. | Name. | Date of surrender. | Date of judgment. |
|---|---|---|---|
| 10 | Babiga | 24-11-1919 | 19-8-20 |
| 11 | Sanna Rama | Do | Do |
| 28 | Thimma | 21-2-1920 | Do |
| 29 | Venka | Do | 17-7-20 \| date on which 15.11.1920. 7.2.21 |

G 23-21-65

3984

Office of the District Magistrate,

Kadur District,

Dated Camp - Tarikere the 19th April 1922.

From,

K.Mylar Rao, Esquire, B.A., B.L.,

District Magistrate,

Kadur District.

To

S.Hiriannaiya, Esquire, M.A., B.L.,

Secretary to the Government of His Highness

the Maharaja of Mysore, General Department,

BANGALORE.

Sir,

With reference to your letter No. J 4395-402/Cts.23-21-56 of the 16th ultimo asking me to intimate whether the persons surrendered under extradition warrants for trial in this District during the calender year 1921, were confined in the Lock-up for the whole period between the date of surrender and the final judgment and if not, to state the period for which ~~each~~ every accused person was so detained, I have the honour to state that out of the persons mentioned in the list received with the letter under reply, only three persons appended in the margin pertain to this District. The last two persons are reported to have been confined in the Lock-up for the whole period from the date of surrender to the final judgment. The first one, viz. Rangaiya Setty, who was produced before the First Class Magistrate of Chikmagalur on 1st November 1920 was in the District Lock-up, Chikmagalur till the 15th November

1. Rangaiya Setty (accused in C.C.No.100 of 20-21 on the file of the 1st Class Magistrate, Chikmagalur.)
2. Putta alias Guruva (accused in C.C.No.24/21-22 on the file of the said Court).
3. Babanna (Special Second Class Magistrate's Court Tarikere)

1920

1920 on which date he was released on bail. He was convicted and sentenced to imprisonment on the 28th March 1921.

I have the honour to be,

Sir,

Your most obedient servant,

K. Muzaffar Rao

District Magistrate,

Kadur District.

Y.S.M.

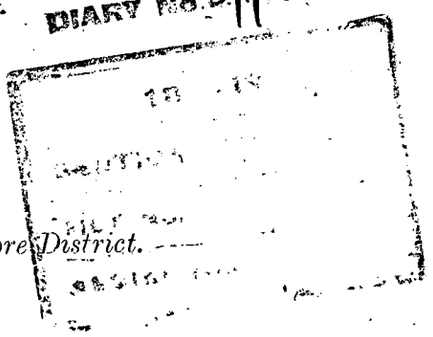
52

No 23-21-56 52

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT,

*Dated, Mysore,* 26th April 28 / 28th. 1392

DIARY NO. 413



From

P.F.Bowring, Esquire,
District Magistrate and
*Deputy Commissioner, Mysore District.*

To

S.Hiriannaiya, Esq. M.A.,B.L.,
*Secretary to the Government of His Highness*
*the Maharaja of Mysore, Bangalore.*
General Department.

SIR,

With reference to your letter No. 14395-402 Cts.23-21-56 dated the 16th ultimo, enquiring whether the persons surrendered to this District under the extradition act were confined in the lock-up for the whole period between the date of surrender and the final judgment, I have the honor to state that such persons are reported to have been confined in the Lock-Ups until the final Judgment.

I have the honor to be,
Sir,
Your most obedient servant,

District Magistrate,
Mysore District

KSS

Office of the District Magistrate, cs 23-21-67

Hassan District,

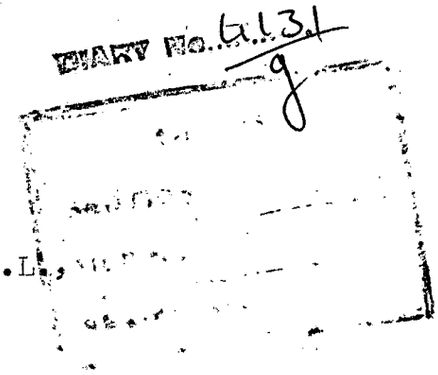
Dated, Hassan, the 29th April 1922. (55

From

B. Venkoba Rao, Esquire., B.A.,

District Magistrate,

Hassan District.




To

S. HIriannaiya, Esquire., M.A., B.L.,

Secretary to Government,

General Department.

S i r,

Adverting to your letter No. J. 4395-402 cts 23-21-56 dated 16th March 1922 forwarding a list of persons surrendered under extradition warrant and enquiring as regards the persons tried in this District charged with non bailable offences if they were confined in the Lock-ups for the whole period, I have the honor to state that of the names given in the list three persons namely Chengappa (no 4) Siddoji (no 5) and Muruga ( No 32) related to this District. Of these three, Chengappa who, it is reported, was released on bail by the District Magistrate Coorg and surrendered himself before the 1st Class Magistrate Saklespur Division on 20th ~~February~~ December 1919 was on bail till the date of disposal of the case Siddoji, it is reported, was in lockup for the the whole period i.e from the date of surrendered to the date of Judgement. The third viz Muruga also was confined in lockup for the whole period ~~xx confined x in x lockup~~ from the date of surrender to the date of judgement by the Sessions Judge.

I have the honor to be,

S i r,

Your most obedient servant.

B. Venkoba Rao

District Magistrate,

Hassan District.

61798

19 1-22.

From E. Venkoba Rao, Sr., B.A.,

District Registrar,

Hassan District.

To S. Hariharaiya, Esq., M.A.,I.

General Secretary to Govt.

Bangalore.

Dated 29th April 1922

Despatched

Received 1 - MAY 1922

General No. Judicial 159-21

No.

Enclosure No Nil.

---

Subject.

Re the duration of persons surrendered under the Extradition Act in Lockups.

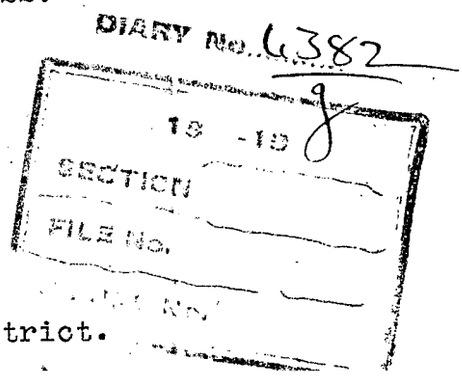
cs 23-11-68

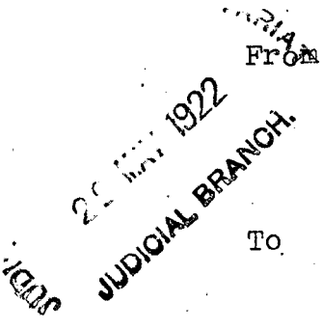
54

64

Office of the District Magistrate, Kolar District.

Dated Kolar, the 19th May 1922.




From

Md. Zahiruddin Mecci, Esq., B.A.,
Deputy Commissioner, Kolar District.

To

S. HIRIANNAIYA, ESQUIRE, M.A., B.L.,
Secretary to the Government of Mysore,
General Department, B a n g a l o r e.

Sir,

With reference to your letter No:J.4395/402 ~~da~~ Cts.23-21-56 dated 16th March 22, I have the honor to submit herewith a statement showing the periods of detention in Lock up of the several persons surrendered in the District under Extradition warrants for being tried for non-bailable offences.

I have the honor to be,
S i r,
Your most obedient servant,

R Puttaiah.

Treasury Assistant Commissioner,
For District Magistrate,
Kolar District.
(absent from station.)

V.V.R.

6[illegible]89

19

**From**

The District Magistrate,
Kolar District.

**To**

The Secretary to Government of Mysor
General Department, Bangalore.

**Dated** the 19th May 1922.

**Despatched** 20-5-22

**Received** 22 MAY 1922

**General No.** D 2 Dis 52 2 / 4-n
**No.**

**Enclosure No** 1 Statement

---

Submitting a statement showing the periods of detention in Lock up, of the several persons surrendered under extradition warrants.

Statement showing particulars of persons surrendered by means of Ex
and the periods of their detention in custody.

Jud. 15/168 (55

| No: | Name of person | Date of surrender | Detained in Lock u | |
|---|---|---|---|---|
| | | | from | 20 |
| 1 | Seetharama | 31. 5. 1920 | 31. 5. 1920. | 29. 7. |
| 2. | Rama chandra Setty | 16. 2. 1921. | 16. 2. 1921. | 2. 8. |
| 3. | Adam Sabi | 1. 10. 1921. | 1. 10. 1921. | 22. 10 |
| 4. | Baba Sabi | 1. 10. 1921. | 1. 10. 1921. | 22. 10 |
| 5 | Basappa. | 15. 9. 1919. | 15. 9. 1919. | 25. 10 |
| 6 | Kuppasamy. | 15. 9. 1919. | 15. 9. 1919. | 25. 10 |
| 7. | Subba Reddy. | 15. 11. 1919. | 15. 11. 1919. | 22. 11. |
| 8. | Guruva. | 10. 12. 1920. | 10. 12. 1920 | 28. 2. |
| 9. | Guruvaniboi | 10. 12. 1920. | 10. 12. 1920. | 28. 2. |
| 10 | Venkatiga | 3. 8. 1921. | 3. 8. 1921. | 26. 8. |
| 11 | Venkatrama | 3. 8. 1921. | 3. 8. 1921. | 26. 8. |
| 12. | Krishnappa. | 22. 11. 1920. | 22. 11. 1920. | 10. 3. |
| 13 | Narayana Samy Mudaliar | 25. 5. 1921. | 25. 5. 1921. | 15. 6. |
| 14 | Hanumantha Naidu | 30. 12. 1921. | 30. 12. 1921. | |
| 15. | Malegi Golla Naiga | 11. 6. 1921. | 11. 6. 1921. | 6. 7. |
| 16. | Ganigar Thimmiah | 4. 7. 1921. | 4. 7. 1921. | 22. 8. |
| 17. | Naiga. | 23. 8. 1921. | 23. 8. 1921. | 19. 9. |
| 18. | pathadu. | 23. 8. 1921. | 23. 8. 1921. | 20. 9. |
| 19. | Era. | 19. 8. 1919. | 19. 8. 1919. | 7. 8. |
| 20. | Sampangi Ramiah | 19. 8. 1919. | 19. 8. 1919. | 27. 4. |
| 21. | Thimmiah | 18. 8. 1919. | 18. 8. 1919. | 7. 8. |
| 22. | AK Kolappa. | 6. 12. 1919. | 6. 12. 1919. | 14. 7. |
| 23. | Imam Sabi | 6. 12. 1919. | 6. 12. 1919. | 17. 7. |
| 24. | Venkalappa. | 6. 12. 1919. | 6. 12. 1919. | 14. 7. |
| 25. | Rama. | 6. 12. 1919. | 6. 12. 1919. | 16. 7. |
| 26 | Kokanti Venkatiga | 11. 12. 1919. | 11. 12. 1919. | 29. 5. |
| 27 | Narayaniga. | 20. 6. 1920 | 20. 6. 1920 | 7. 8. |

edition warrants for trial in the Kolar District.

| | Released on bail | |
|---|---|---|
| 1920. | | |
| 1921. | | |
| 1921. | | |
| 1921. | | |
| 1919. | 25. 10. 19 | |
| 1919. | 25. 10. 19 | |
| 1919. | 28. 11. 19 | |
| 1921. | | |
| 1921. | | |
| 1921. | | |
| 1921. | | |
| 1921. | | |
| 1921. | 15. 6. 1921. | Still pending. Committed to Sessions on 25/4/1922 by the Spl Majl. Asst. |
| 1921. | | |
| 21. | | |
| 1921. | | |
| 1921. | | |
| 1920. | . 8. 1920. | |
| 1920. | 2. 4. 1920. | |
| 1920. | . 8. 1920. | |
| 1920 | . 7. 1920. | |
| 1920. | 7. 7. 1920. | |
| 1920. | 7. 7. 1920. | |
| 1920. | 5. 7. 1920. | |
| 1920. | | |
| 1920 | | |

R Ramaiah
For District Magistrate
Kolar District.

1894 22
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(56 Pol. 1285 Reform
Cts 23-21-69

ISSUE & SUBMIT. 6/6/22

To,

The Secretary to the Hon'ble
the Resident in Mysore.

Sir,

With reference to para 4 of your letter No. 2251/52-1900 dated 7th March 22 and in continuation of this office letter No. Pol. 895 dated 30th March 1922 in the matter of persons surrendered to the State under the Extradition Act for trial during the Calendar year 1921, I am directed to state that with the exception of persons who were let on bail as mentioned in the accompanying list, ~~all~~ the other accused persons were detained in the lock-up for the whole period of trial

2 The information ~~required~~ asked for in para (3) of your letter under reply will be furnished ~~in due course~~. separately.

I have etc.,

General Secretary to Govt.

(57)

Statement showing the persons surrendered to the State in the Calendar year 1921 and admitted to bail.

| Serial No. in Statement | Name. | Date of surrender | Detained in Lock-up | | Date of release on bail | Date of sentence |
|---|---|---|---|---|---|---|
| | | | From | To | | |
| 1. | Era | 18- 8-1919 | 18- 8-1919 | 7- 8-1920 | 7- 8-1920 | |
| 2. | Sampangiramiah | 19- 8-1919 | 19- 8-1919 | 27- 4-1920 | 27- 4-1920 | 25- 4-1921 |
| 3. | Thimmiah | 19- 8-1919 | 19- 8-1919 | 7- 8-1920 | 7- 8-1920 | |
| 4. | Chengappa | 8- 9-1919 | | | 8- 9-1919 | |
| | Resurrendered on 20-12-1919 | | | | 20-12-1919 | Proceedings stayed as the complainant is absent. |
| 6. | Basappa | 15- 9-1919 | 15- 9-1919 | 25-10-1919 | 25-10-1919 | |
| 7. | Kuppusamy | Do | Do | Do | Do | 12. 5-1922 |
| 9. | Subba Reddy | 15-11-1919 | 15-11-1919 | 22-11-1919 | 22-11-1919 | |
| 16. | Akkalappa | 6-12-1919 | 6-12-1919 | 14- 7-1920 | 14- 7-1920 | |
| 17. | Inam Sabi | Do | Do | 17- 7-1920 | 17- 7-1920 | |
| 18- | Venkatappa | Do | Do | 14- 7-1920 | 14- 7-1920 | 11- 7-1921. |
| 19. | Rama | Do | Do | 16- 7-1920 | 16- 7-1920 | |
| 29. | Venka | 21- 2-1920 | 21- 2-1920 | 17- 7-1920 | Escaped from Lock-up on 17-7-1920 | |
| | Resurrendered on | 15-11-1920 | 15-11-1920 | 17- 2-1921 | No. | 7- 2 1921. |
| 41. | Rangiah Setty | 1-11-1920 | 1-11-1920 | 15-11-1920 | 15-11-1920 | 28- 3-1921 |
| 58. | Narayanswamy Mudliar | 25- 5-1921 | 25- 5-1921 | 15- 6-1921 | 15- 6-1921 | Pending. |

Bangalore,
June 1922.

Fair Draft

For Secretary to Government,
General Department.

CS 23-11-20

58

# C I R C U L A R.

Instances have come to the notice of Government of inordinate delay in the disposal of cases of British Indian subjects whose surrender for trial has been obtained from the British Government under the Extradition Act. Government cannot too strongly impress on the Magistrates and Judges the necessity of giving special attention to the speedy disposal of such cases.

F 5631 9
9 Jun 22

2. With a view to ensure ~~such~~ prompt disposal, Government consider that a ~~special~~ list of persons surrendered under the Extradition Act should be maintained in each district and a monthly report submitted to the -- Government showing the progress of th trial and the explanation for delay i cases which have not been disposed of within three months from the date of surrender of the accused.

By Order,

Secretary to Government,
Genl. Deptt.

To

The District Magistrates of Dts.
The Registrar, Chief Court, for communication to the Distric and Sessions Judges.

817

Office of the District Magistrate, Kolar District.

Dated Kolar, the 23rd M a y 1922.

From

Md. Zahiruddin Mecci, Esq.,B.A.,
District Magistrate, Kolar District.

DIARY 4475

To

S. HIRIANNAIYA, ESQUIRE, M.A., B.L.,
Secretary to Government of Mysore,
General Department, Bangalore.

Sir

With reference to your letter No:J.4403/Cts.23-21-57 dated 16th March 1922, enquiring what the cause of the abnormal delay was in deciding the sandalwood theft cases against certain persons who were surrendered by the Residency for trial in the State and requesting to obtain and forward the explanation of the Magistrates concerned, I have the honor to forward herewith the explanation of Mr. A. J. Donne, Amildar and 2nd Class Magistrate, Bowringpet in whose court the accused were finally tried.

2. These persons were first charge-sheeted before the Amildar Magistrate, Mulbagal and the cases were transferred to the Court of the 1st Class Magistrate, Chintamani SubDivision in January 20 as the Amildar Magistrate of Mulbagal was transferred from the District and they had to be again transferred from that Court to the Kolar Taluk Magistrate's Court and thence to the Court of the Amildar Magistrate, Bowringpet owing to transfers and absence on leave of Magistrates. The cases came on the file of the Bowringpet Amildar Magistrate in June 20 and the case against the first three persons was disposed of on 25-4-1921 and that against the remaining four persons on 11-7-21. The delay in the disposal of these cases is due partly to the unavoidable circumstances under which they had to be transferred from Court to Court and partly to the absence on the hearing dates of the prosecution witnesses who reside outside the State and who absented themselves though served with summonses and against whom no action could be taken by the Magistrate as already reported in my letter No:J.C.28/20-21 dated 29th September 1921.

3. I also enclose herein the explanation of the same Magistrate for the delay in the disposal of the case against

From

The District Magistrate,
Kolar District.

To

The Secretary to the Government of Mysore
General Department, Bangalore.

Dated 23rd May 1922.

Deppatched. 31-5-22

Received. 1 JUN 1922

General No: Rjc 662
No:

Encs. (1) Order Copy
(2) Explanation of the Magistrate

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Submitting the explanation of the Amildar Magistrate, Bowringpet, re: the abnormal delay in the disposal of Sandal-wood theft cases.

(60

the first three persons referred to in para 3 of the letter under reply. The delay in this case also is due to the disability of the Magistrates in the State to secure the presence of witnesses who reside within British limits. The case has since been disposed of and the accused have been discharged by the Magistrate under Sec.253 Cr.P.Code. The copy of order passed by the Magistrate in the case is enclosed.

4. The case against Narayanaswami Mudaliar is pending before the Special Magistrate, Kolar Gold Fields and he has been instructed to dispose of the case early.

I have the honor to be,
S i r,
Your most obedient servant,

R Pillai

Treasury Assistant Commissioner,
For District Magistrate,
Kolar District.

No. 615

Rc. 6871 (61

Reference:- District Magistrate's no: R.J.C.

Rap 66 2 / 21.22 dated 2.4.22 calling for an Explanation re the delay in the disposal of the Sandal wood theft Case of Chintamani Taluk

Submitted to the District Magistrate Kolar:-

In the Case against- Basappa, Kuppasami and Subbareddi referred to in the above ~~reference~~ I beg to state that till now 6 witnesses for the prosecution have been Examined in full and the Case stands posted to 12th May 1922 for the Examination of other witnesses who are residents of British territory. In this Connection I beg to point out that out of a number of witnesses Cited for the prosecution, many are residents of British territory and as such do not care to appear before the Court on the date of hearing in spite of service of Summons on them and the Court cannot adopt any other procedure to Enforce their attendance. This fact has been brought to the kind notice of the District Magistrate on several occasions as can be seen from the Copies of the order sheets and previous Explanations submitted to him from time to time in Connection with this Case.

A special reference has also been made to the Superintendent of Police Kolar

to

OFFICE OF THE DEPUT COMMISSR
APR 18 1922
28006
General Re
KC

Arrangements to secure the attendance of these witnesses on the next-below ring and the results will be communicated in my next report.

Amtsgerichtsrat
Baumüller
i.V. 4.1922

No 698
Ex 2

Reference:- District Magistrate's no: R.J.C. 662 dated 13.5.22 re the delay in the disposal of the Cases against AKKalappa and others referred to therein:

Submitted to the District Magistrate Kolar

I beg to State that the Cases Concerning these persons referred to in the above reference were transferred to this Court by the District Magistrate and the records were received in this Court on 4.6.20. The Case against AKKalappa, Imam Sab, Veerkalappa and Rama (CC 102/19.20) was posted for hearing on 14.6.20.

On 14.6.20 owing to the absence of Prosecution witnesses Excepting the Investigating officer and the Forest Ranger the Case was adjourned to 28.6.1920. The Public Prosecutor was also absent Since he was Engaged in the Session's Court.

On 28.6.20 owing to the absence of the Public Prosecutor on account of a Session's Case as also Prosn witnesses the Case was adjourned to 12.7.20.

On 12.7.20 One Pros: witness was Exd and the Case was adjourned to ~~postponed~~ 14.7.20 for want of time owing to another Sandal theft Case.

On 14.7.20, 6 Pros: witnesses were Examined and the Case was adjourned to 7.8.20 a date Convenient for the Public Prosecutor.

7.8.20 Orders were received from the District Magistrate Kolar to adjourn the Case pending sanction of the Government for Engaging a private Counsel to Conduct the prosecution. Hence the Case was adjourned to 18.9.20.

18.9.20 Prosecution witnesses were absent and the Case was adjourned to 9.10.20 allowing Sufficient time for the

OFFICE OF THE DEPUTY COMMISSIONER MAY 19 1922 2548
COURT OF THE DISTRICT MAGISTRATE JUN 20 1922 KOLAR

Service of Summons on the witnesses.

On 9.10.20 two Pros: witnesses were Exd and the Case was adjourned to 13.11.20 for Cross Examination of the remaining witnesses who were absent.

On 13.11.20 All the prosecution witnesses were absent and reference was made to the Police authorities for Securing the attendance of witnesses and the Case was adjourned to 9.12.20.

On 9.12.20 one Pros: witness was Exd and the other witnesses were absent; hence Case adjourned to 8.1.21.

On 8.1.21 one witness was Exd and the Case was posted for orders to 22.1.21.

From 22.1.21 to 11.7.21 the Case could not proceed owing to the illness of the 1st accused who was very ill and could not attend Court. The Case therefore had to be adjourned from time to time till 11.7.21 on which date the Case against these persons was disposed of.

From the above it will be seen that the delay in the disposal of the Case in this Court was unavoidable.

Similarly the records of the Case (C.R. 101 of 19.20) Concerning Sampangi Ramiya Thimma and 6 others were received by transfer in this Court on 4.6.20 and the Case was disposed of on 25.4.1921. The delay in the disposal of this Case was due to the absence of Pros: witnesses who were residents of British territory.

The copies of order sheets on every dated hearing dates have been regularly submitted in both the Cases and a kind perusal of the same will Convince that the delay in the disposal of these two Cases was unavoidable.

Head Assistant Magistrate
18.5.22. Bobbili Spl

In the Court of the Amildar and II Class Magistrate, Bowringpet

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Dated the 12th May 1922.

Present: Mr. A.J.Donne, II Class Magistrate

Criminal Case No:8 of 1921-1922.

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Complainant. Vs. Accused

Government by the Police of Chintamani. 1. Subba Reddi
2. Kuppasamy.
3. Basappa.

Section 379 I.P.C.

Order.

1. The Police charge sheet is to the effect that 42 sandal trees were cut and removed from occupied and unoccupied land at Yanumalpadi by accused. Hence charge under Section 379 I.P.C. against them.

2. The prosecution having failed to make out a case of theft against the three accused no charge was framed against them.

3. The facts of the case as gathered from the evidence of prosecution witnesses are as follows:-

The Amildar Chintamani Taluk on 25-11-17 received a petition purporting to be from one Thimmaiya of Yenumalpadi that one Narasiya of Yanumalpadi and Mallareddi of Rangamakanpalli of Madanapalli Taluk had cut and removed sandal trees standing on lands in the Chintamani Taluk and was likely to be removed to Punganoor and Madanapalli if immediate action were not taken to prevent loss to Government. The Amildar of Chintamani referred the petition to the Shekdar who went to the spot made an enquiry and submitted a report on 1-12-17. The Range Forest Officer received a telegram from the District Forest Officer intimating that theft of sandal trees had been committed at Yenumalpadi, to obtain necessary information from the Amildar of Chintamani and investigate the case The Range Officer P.W.1 called on the Amildar the following day and took the records from him that were returned by the Shekdar. The forest Ranger visited the place and made necessary enquiries and reported that the case may be entrusted to the Police. The District Forest Officer made a report to the Superintendent of Police on 22-12-17 that in the village Yenumalpadi 47 sandal trees

had been found cut and removed. The Police Inspector Mr. Alasingrachar of Chintamani and Forest Ranger P.W.1 went to the spot and found that 42 sandal trees had been cut and removed. In hiduvali numbers 133, 134, 135, 137 and 234 belonging to Malla Reddi, 18 sandal trees were found cut and removed valued at Rs. 335/-. In unoccupied Government land numbers 124 and 138, 24 sandal trees were cut and removed valued at Rs. 350. On information given by Narasaiya, P.W.2, it was learnt that the 1st accused Subba Reddi son of Malla Reddi informed him while he was in his shop at Yenumalpadi that the 3rd accused Basappa was a merchant dealing in sandalwood had come to go to the 1st accused's land and point out sandal trees which he did, the following night the trees were cut, the 1st accused sent for Narasiya and asked him to point out the trees shown to the 3rd accused. The following day the 1st and 2nd accused sent for Narasiya to bring gunny bags and twine to Rangamakanapalli he went there and billets were packed in those gunny bags and carted to Madanapalli and Punganoor, Narasiya accompanying the consignment along with the 2nd and 3rd accused. This information was given the Police who seized 28 sandal billets in the house of the 2nd accused at Punganoor and on information received that while the 2nd and 3rd accused were carting sandal billets the Palamainer Forest Department seized ~~that~~ and handed over them to the Village Munsiff at Palamanair, the Police Inspector went there and found that of the billets siezed 42 were concerned with the case these billets were taken by the Inspector on permission granted by the Magistrates of Punganoor and Palamanair. These billets were identified by P.W.2 Narasiya as Mysore Sandal and taken to Yenumalpadi when they were compared with the stumps in the above numbers. Of these 6 or 7 billets were found to tally with some stumps. Hence a charge against the three accused.

4. In this case Ex.P.1 a Pseudonomyous petition to the Amildar Chintamani appears to be the only document on which action was taken. In it is mentioned the names of Narasiya P.W.2 and Malla Reddi father of the 1st accused as having cut and removed sandal trees at Yenumapladi. The Police Inspector had examined

Narasiya on the facts in the petition which he admitted but not Malla Reddi though he admits having met him the reason assigned for the omission is that he happens to be a wealthy and influential man. This one sided sort of enquiry is suspicious. It looks as if the Police were bent upon bring the accused to book. Narasiya is after all an accomplice and the Police have worked on his information. He is the only direct witness in the case who speaks to the fact of having been sent for while in his shop at Yenumalpadi by the first accused at about 2 P.M. and informed that the 3rd accused is a sandal merchant and would like him to show the 3rd accused sandal trees in his land near the well by the road leading from Kanagamakanapalli to Yenumalpadi which he did the following day at 9 A.M. The same night on being sent word to the spot by the 1st accused he saw 5 or 6 sandal trees already cut along with the 1st accused being 8 or 10 others. He then went to Kanagamakanahalli at the instance of the 1st and 2nd accused with gunny bags and twine, where the sandal billets were packed and despatched by cart to Madanapalli and Punganoor, he and accused 2 and 3 accompanying the cart. At Punganoor the sandal billets were deposited in the house of ~~Koddiah~~ Hodaviah and subsequently before a Panchayet a partition was made two parts going to the 2nd accused and one part to the 3rd accused the value of Rs.60/- being given to Narasiya P.W.2 to hand over to the 1st accused which he did.

How did the Police treat Narasiya during the investigation of the case? Narasiya states that the Police had a watch over him for some time, saw to his wants and were continually at him, trying to induce him to give evidence against the 1st accused. He has voluntarily stated before the court that the Police Inspector induced him by threats during the above period that if he did not depose he would not be let off. Consequently he did as the Police required of him. This is practically corroborated by the Police Inspector P.W.3. Narasiah admitted his guilt yet he was not arrested but given a promise to be taken as a witness if he gave the Police every help in the case which fact is alleged to have taken place before the Police Superintendent. It is only after the promise that the investigation was taken up by the Inspector and he admits if it was not for Narasiya's help the case would have been undetected. So it is apparent that a great deal of

pressure was brought to bear on Narasiya by the Police in order that the accused may be brought to book, hence the direct evidence given by him before the Court. Before placing any reliance on the statement made in criminating the accused it would be adivsable to scrutinise the evidence elicited from him on other material facts.

The following statements marked as defence exhibits were made before the Treasury Assistant ~~Magis~~Magistrate by this witness when the case was being heard there. He, before this court contradicts those statements. In Ex.D.2. Hussain Khan P.W.4 came and enquired of the witness Narasiya P.W. 2 and the 3rd accused Basappa what they were doing on the land looking at the trees, when both of them informed him that a new comer intended coming to the village of Nenumalpadi to purchase the land. The witness now does not recollect having made this statement before the Treasury Assistant Commissioner Magistrate but states Hassan Sab only spoke to him and not with the 3rd accused. In Ex.D.3 the 1st accused sent for this witness Narasiya to come to the field through Venkataraya, it was then 7 or 8 P.M. Before this Court two persons came to call him Nalla babiga and Venkataraya. In Ex.D.4 on the night the sandal trees were cut by 1st accused there were others namely Hajam Venkatiga, Nalla Babiga, Vaddar Koniga &c. before this court he admits the statement but denies having seen or known these other persons who cut the trees. In Ex.D.5 before the Amildar Chintamani he stated that the 1st accused Subba Reddi was to get Rs. 110/- for the sandal billets from the 2nd ~~accused~~ and 3rd accused, Rs. 50 had been given and balance he had to collect from them and pay Subba Reddi. In this Court he stated he has no recollection whether the amount was Rs. 30 or Rs. 60 paid nor has he any recollection of having made such a statement before the Amildar Chintamani. In Ex.D.6 before the Treasury Assistant Commissioner he stated the 1st accused Subba Reddi sent him with the carts of sandal billets to Hosakote to recover Rs. 30 from the 2nd and 3rd accused, before this court he has no recollection of having made such a statement. In Ex.D.7 before the Treasury Assistant Commissioner he definitely stated Rs. 30 was due and Subba Reddi sent him to bring that amount. In Ext. D.2. and D.3. before the Chintamani Magistrate he stated Rs. 60 was recovered he came to Kanagamakanahalli the following day by rail and gave it to the 1st accused Subba Reddi. He has no recollection of having made statements D2 and D3 and also denies having made

D.2.D.3 and D.7 when questioned before this Court. In Ex. D.8 he admits not having informed the Shekdar Patel or Shanbhog of the fact of sandal trees being cut in Subba Reddi's field, before this Court he admits having informed the Shanbhog of the sandal ~~having~~ tree cutting on 1st accused's land. In the Treasury Assistant Commissioner's Court he has stated Komarappa had informed him that shekdar was in search of him, before this court he states the shekdar had informed him of the pseudonomyous petition Ex. D.1 in which his name had appeared along with Malla Reddi as having cut sandal trees. Yet the witness had not chosen to relate facts to the shekdar. In Ex. D.9 before the Treasury Assistant Commissioner, this witness saw the Police Inspector 3 or 4 days ~~inform~~ after his return from Bangalore, before this Court he states he might have seen the Police Inspector at Chintamani one day, the following 5 or 6 days he was at Hebbari where he neither saw the Police Inspector nor shekdar. In Ex. D.10 before the Treasury Assistant Commissioner he stated a Police constable took him to the house of the Amildar of Chintamani before this Court he denies the above statement and adds a Forest Guard Abdul Gaffar and one Hanumanthu took him to the Amildar who was in the Court house. In Ex. D.11 befor the Treasury Assistant Commissioner he stated the Amildar's gumastha asked him about the petition Ex. D.1 in this Court he does not recollect having made such a statement. In Ex. D.12 before the Treasury Assistant Commissioner he stated the Amildar kept a Police watch over him not to allow him to go ~~any~~ where this he denies before this Court and does not remember making such a statement. In Ex. D.14 before the Treasury Assistant Commissioner he stated the Amildar informed him to give all details before the Police failing which he would be punished; before this Court he does not recollect having made such a statement. In Ex. D.15 ~~and~~ D.16 and D.17 before the Treasury Assistant Commissioner that the Amildar had ordered the ~~Po~~ Police to take bail from him, the ~~same~~ same day the Hotel keeper stood surety and he went home for 8 days and after that perio a Police constable took him back to Chintamani before the Amildar and then to the Police station where he was asked to remain for 7 or

8 days and was being fed in the Hotel. These statements he does not recollect having made.

In Ex.D.18 before the Treasury Assistant Commissioner he stated he does not recollect being forcibly detained by the Police for one month to give evidence against the 1st accused Subba Reddi in connection with a case then pending before the Joint Magistrate, Madanapalli against this witness and others for wrongfully confining one Nallababiga to depose against the 1st accused Subba Reddi in this case. In this court he admits the fact. In Ex.D.19 before the Treasury Assistant Commissioner he stated he received Rs.2-4-0 for 8 gunny bags from the 3 accused at Punganoor; he does not now recollect having made this statement but states before this Court that he was paid the amount by the 3rd accused at Kanagamakanapalli.. In Ex.D.20 and 21 before the Treasury Assistant Commissioner he stated that he had not before seen at Punganoor Arunachallam, Chatra Singh, Rajagopal and Kodandaiya but came to know their names when they came to Chintamani Court, the Police Inspector did not inform him their names nor did he inform the Police Inspector. In this Court he stated he saw Arunachallam at Punganoor for the first time when he accompanied the 2nd and 3rd accused and enquired his name. He denies Ex.D.2 a statement made before the Treasury Assistant Commissioner. From the above statements made before the Treasury Assistant Commissioner and before this Court, it will be seen how contradictory and unreliable the evidence of this witness has been in the whole case.

Another improbable piece of evidence let in by the prosecution is the confidence placed in this witness by the 1st accused. It is stated he was instructed to show the sandal trees to the 3rd accused on his field and to have been asked by the 1st and 2nd accused to bring gunny bags and twine to Kanagamakanapalli where the sandal billets were packed in them. He was also also asked by the 1st accused to accompany the sandal billets carts to Madanapalli and Punganur along with the 2nd and 3rd accused and to recover the sale proceedings from them and bring it to the 1st accused. In the first place this witness owns no land or house of his own at Yenumalpadi he only keeps a petty shop. He is not aware of the lands held by the

and his help was never before required by the first accused
1st accused when sandal was removed on previous occasions. The 1st accused is a wealthy and influential person and his lands are being cultivated by other respectable ryots of Yenumalpadi and other neighbouring villages and has several servants under his control so that there was no reason for the 1st accused to seek the confidence of this witness Narasiah when he had so many others to help him. This witness Narasiah is stated by ~~the~~ P.W.3 (the Police Inspector to have identified Mysore Sandal billets among a heap of others in 2nd accused's house at Punganoor and among those seized by the Forest Department in British Territory but the Forest Ranger, P.W.1 was unable to identify the billets as Mysore sandal. The fact of identification by P.W.2 is incredible for the reason he states he did not particularly take notice of the sandal trees cut nor has he cut such trees or touched such trees and billets and thus it was not possible for him to identify Mysore Sandal when mixed up with British Territory Sandal. Further certain marks of identification were made by the Inspector P.W.3 on the billets alleged to have been identified as Mysore sandal by P.W.2 and seized at Punganoor and Palamanair but the Inspector and Ranger are unable to identify those billets now before the Court as they bear no marks of identification. The fact of some billets found in the 2nd accused's house, were examined, with the stumps at Yenumalpadi and found to tally as stated by the Forest Ranger P.W.1 and Inspector P.W.2 has not been proved, since the marks of identification on those billets made by the Inspector do not exist and they are unable to identify them, no mahazar appears also to have been drawn up nor where the stumps with which they tallied were produced before the Court.

The other witnesses for the prosecution do not speak to the theft at all, but some circumstantial evidence has been introduced from their evidence.

The P.W.4 mentions having met P.W.2 and some stranger near Birappa Bavi and enquired why they had come there when P.W.2 stated he intended to purchase the well land which is contradictory to what P.W.2 has stated. This witness saw no trees on the land nor was he aware whom the land belonged to. This witness' evidence is intended to corroborate

the statement of P.W.2 that he had taken the 3rd accused to the land by the 1st accused to show him ~~the~~ sandal trees as requested by the 1st accused. P.W.5 knows the land of 1st accused and admits there are sandal trees on it but denies having met the P.W.2 or others near the land when he used to pass by to graze his cattle.

P.W.6 knows the 1st accused and admits there are sandal trees on his land and heard sandal trees were stolen and that Police had come to his village but made no enquiry from him. The other witnesses are members of British Territory and though sommons were served on them and a requisition made to the Police Superintendent to help in producing them, they have not appeared. They are not eye witnesses to the theft of sandal from Mysore territory and thus their evidence would not help those that have been already examined. The case as it stands with their evidence is mott unreliable when considering the Police pressure used on P.W.2 the only eye-witness in the case and the subsequent contradictory statements that he has made as shown above. At this stage Mr. Srinivasachar for the prosecution argued that since it was difficult to procure these British witnesses without a lot of trouble, under Section 33 of the Indian Evidence Act the statements of these witnesses given before the Treasury Assistant Commissioner's Court may be put in as exhibits for the prosecution. This argument advanced appeared reasonable and has been allowed. These witnesses are marked as P.W.4, P.W.5 and P.W.6 P.W.7 when examined in the Treasury Assistant Commissioner's Court. P.W.4 Arunachalam's statement is shown as Ex.P.1. He speaks of P.W.2 coming with the 2nd and 3rd accused to Punganoor with sandal billets and a dispute as to division of billets arose when it was decided that two parts should go to the 2nd accused and one part to the 3rd accused. P.W.5 Kodandiah's statement is shown as Ex.P.2. He lives at Arunachallam's house at Punganoor, he deals in sandal. The 3rd accused came with some one else with sandal billets in a cart, as he advanced some money to the 3rd accused for sandal he demanded the billets produced and was informed that they belonged to the 2nd accused Kuppuswamy. The billets were taken and put in his house and a division was made two parts went to Kuppuswami

the. 2nd accused and one part to Basappa, the 3rd accused who handed it over to this witness, who inturn sold it to Chatrasingh P.W.6. He admits having seen another person on the cart but was not aware who he was. He met the stranger again at Chintamani and was told by the Police Inspector to state the man's name was Narasiya which he did. He could not identify sandal to be of any particular territory. P.W.6 Hussain Sab's statement is Ex.P.3. he admits being a cooly for Kuppuswami 2nd accused and having chopped the sandal billets brought and was present when division was made.

P.W.7 Chatra singh's statement is shown as Ex.P.4, he admits having purchased sandal billets from Kodandaiah the share given to the 3rd accused at the division made at Punganoor.

On perusal of the evidence given by these witnesses none of them was able to state the sandal billets that were brought by the 2nd and 3rd accused and division made were from Mysore Territory nor did the person who accompanied the carts P.W.2 Narasiya inform them. It is admitted that there is no restriction for cutting sandal trees in British territory and also that sandal trees are cut in the neighbouring villages of British Territory and brought for sale at Punganoor and other places. Thus it could not be presumed that these particular billets taken to Punganoor were from Mysore Territory. This evidence is apparently let in to corroborate the fact that of the billets being those of Mysore Territory because P.w.2 happened to be an eye-witness to the cutting of trees at Yenumalpadi and accompanied the billets with the 2nd accused and 3rd accused to Mandanapalli and Punganoor.

On the face of the contradictory and unreliable evidence given by P.W.2 Narasiah and that under Police pressure as admitted by him and practically supported by the statement of P.W.3 the Police Inspector, there appears to me to be no case of theft made out against the accused. I therefore order that they be discharged under Section 253 C.P.C. The property being unidentified as Mysore Sandal will be returned to the accused through the Police of Chintamani. Pronounced in open court.

Sd. A.J. Donne,
II Class Magistrate.

12-5-1922.

"Copy"

For District Magistrate.
Kolar District.

174

G. R. S. VI—G/32]

SUBJECT.....

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*Diary No. of letter replied to* 4675

Section Ch

File No. 23-21

Serial No 92

[redacted]al and Revenue Secretariat

( )

*, the* *191* .

No. 5661

Date of issue 18/6/22

Signed by M. Sra

To

The district magistrate Kolar

Sir

With reference to your letter no Rjc 662 dt 31.5.22 forwarding the explanation of the Amildar magistrate Bowringpet in the matter of the abnormal delay in the disposal of the Sandalwood theft Cases, I am directed to request you to forward the explanation of the Special magistrate Ka. Dt. 7 for the delay in the disposal of the case against Narayanaswamy

over.

95

Medals, and inform the stage in which the case is pending. An immediate reply is requested.

I have etc

for Secretary

*List of enclosures.*

*Copied by*

*Examined by*

J.4767 (16)

Office of the District Magistrate, Kolar District.

Dated Kolar, the 26th June 1922.

66468

Cts 23-21 73

SEC. & REV. SE 28 JUN 1922

From

Md. Zahiruddin Mecci, Esq.,B.A.,
District Magistrate, Kolar District.

To

S. HIRIANNAIYA, ESQUIRE, M.A., B.L.,
Secretary to Government of Mysore,
[illegible]neral Department, B a n g a l o r e.

Sir,

Adverting to your letter No:J.5661/Cts.23-21-72 requesting me to forward the explanation of the Special Magistrate, Kolar Gold Fields, for the delay in the disposal of the case --- against Narayanaswami Mudaliar and to inform the stage at which the case was pending, I have the honor to submit herewith the explanation received from the Special Magistrate, with his letter No:485/ dated 22-6-1922 from which it will be seen that the case has been pending from 6-6-1921, that more than ten adjournments have been given and that the case has now been posted to 3-7-1922.

The Special Magistrate, Kolar Gold Fields further reports that he will bring the trial to a speedy termination.

I have the honor to be,
S i r,
Your most obedient servant,

District Magistrate,
Kolar District.

V.V.R.

From

The District Magistrate,
Kolar District.

To

The Secretary to Government of Mysor
General Department, Bangalore.

Dated 26th June 1922.

Despatched. 27-6-22

Received.

General No: R Je 662/21-22.
No:

Enc: 1

Submitting the explanation of the Special Magistrate for the delay in the disposal of the case against Narayanas Mudaliar.

Rc. 6 & 7 22 77.

From

S. Shamanna, Esq., B.A.,
Special Magistrate,
Kolar Gold Field

To

Md. Zahiruddin Mecci, Esq., B.A.
District Magistrate,
Kolar District, KOLAR.

Dated 21-6-1922.

Despatched 22-6-22

Received

General No. 485
No.

Enclosure No.

---

Sir,

With reference to your memo No. R.J.C. 662 21-22 dated 23-5-22, calling for explanation as t why the case against one Narayanasami Mudaliar is still pending, though the accused was surrendered on 25-5-21, I have the honour to state that after the accused was surrendered the records were received in this Court on 6-6-1921. It is seen fro the Order Sheet that owing to the absence in Marwar, on account of sickness, of the complainant -- who is the important witness in the case, 9 adjournments have been given till 4-5-1922. Two Prosecution witnesses have however been examined on -- 20-10-21 and the accused has been on bail since - 12-7-1921.

23-6-22 Issued

OFFICE OF THE DEP. COMMISSIONER JUN 24 1922 General No. 8751 KOLAR

The case came before me for the first time after I took charge of this Court, on 4-5-22, and I examined 3 witnesses for the prosecutiom(including the complainant) and for want of time adjourned the case for the next day. The accused having absented himself on the latter date, the cas was posted to 23-5-1922.

As I had to be unavoidably absent on leav the Munsiff-Magistrate who was in charge of the

G. R. S. VI—G/32]

2 Drafts

77

SUBJECT.....

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*Diary No. of letter replied to* 4767

General and Revenue Secretariat

( )

*the* 191 .

Section Ch

File No. 23-21

Serial No 76

No. 0272

*Date of issue* 11/7/22

*Signed by* M. Carr.

The District Magistrate Kolar

Sir

With reference to your letter no Rjc 662 dt 27-6-22 forwarding the explanation of the special magistrate ~~Kolar~~ for the delay in the disposal of the case against Narayanswami Mudaliar I am directed to request you that the Magistrate may be asked ~~must be traced~~ to dispose of the case as early as possible and that the result of the trial may be intimated to this office as soon as the case is disposed of

I have etc

Carr

for Chief Secy

30-6-22 500 317

Ch. 23-4-76 (80

To

The Secretary to the Hon'ble
the Resident in Mysore.

Pol 138
12 August 1922
6

Sir,

With reference to para (3) of your letter No.2251/52-1900 dated the 7th March 1922 and in continuation of this office letter No.Pol.1285 dated the 6th June 1922, I am directed to state that the delay in the disposal of the case against Nos.6, 7 & 9, Basappa, Kuppuswami and Subbi Reddi was mainly due to the non-appearance of the large number of witnesses who are residents of British India on the dates of hearing in spite of service of summons on them and that the case against them has since been disposed of on the 12th May 1922. The accused in the case have been discharged under Section 253 -- Cr.P.C.

2. It is reported that the case -- against No.58 Narayanaswami Mudaliar could not be disposed of owing to the absence in Marwar, on account of sickness, of the complainant, who is an important witness in the case and that adjournments had to be given till the 4th May 1922, though two witnesses were examined in the meantime and the -- accused let on bail. The case was taken up on the latter date and some witnesses were examined. The trying Magistrate having gone on leave since, the Munsiff Magistrate, who was in charge of the Court posted the case to 3rd

July 1922. Instructions have been issued to the District Registrate, Kolar, to see that the case is disposed of early. The result of the case will be intimated in due course.

I have, etc.,

27/7/22

General Secretary to Govt.

Cash [illegible]

XII.

Pol 255 1216 P.

R. O. 2.—R. P. B.—5—1922.—5,000.

No. 6946 Enc. 182
52-1900.

GEN. & REV. SECTT.
31 AUG 1922

**From**

Major C. T. C. Plowden, I.A.,

**SECRETARY TO THE RESIDENT IN MYSORE.**

C 23-21-77

**To**

The Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

JUDICIAL DEPARTMENT SECRETARIAT
31 AUG 1922
JUDICIAL BRANCH

*Dated Bangalore,* 30th August 1922.

**Subject:—**

Extradition of British subjects to the Mysore State.

**Sir,**

I am directed to acknowledge the receipt of Mr. Venkoba Rao's letter No. Pol.138, dated the 12th August 1922, on the above subject, and, with reference to paragraph 1 of the letter, to say that, though it appears that the accused persons, Nos. 6,7 and 9, Bassappa, Kuppusawmi and Subbi Reddi who are British subjects, were on bail for the greater part of the pendency of the cases (vide the enclosure to Mr. Hiriannaya's letter No. Pol.1285, dated the 6th June 1922) still the Resident thinks that the Government of His Highness the Maharaja will agree that to have a criminal trial hanging over his head for more than two years, constitutes a serious harassment in the life of an individual. Where so many of the witnesses live in British territory it might in some cases be more conducive to speedy justice if the case were tried by a British Court under the authority of a certificate issued under section 188, Criminal Procedure Code.

2. The Resident would be glad if, in future, His Highness's Government would note the place of residence of the complainant and the principal witnesses in sending up requisitions for the extradition of British subjects.

he would also be obliged, when extradition is allowed in such cases, if His Highness's Government would communicate the result of trials as early as convenient after their conclusion.

I have the honour to be,

Sir,

Your most obedient servant,

SECRETARY TO THE RESIDENT.

84

1309. 84

To

Office of the District Magistrate, Kolar District.
Dated Kolar, the 1st September 1922.

CS-23-21-74

From

S. Hiriannaiya, Esq., M.A., B.L.,
~~Deputy Commissioner~~, Kolar District.
District Magistrate,

To

B. Venkoba Rao, Esq., B.A.,
Secretary to Government of Mysore,
General Department, Bangalore.

Sir,

With reference to your letter No:P.272/Cts.23-21-74, dated 11-7-1922, calling for a report of the result of the trial of the case against Narayanaswami Mudaliar, I have the honor to state that the accused was convicted by the Special Magistrate, K.G.F., under Section 406 I.P.C., and sentenced to pay a fine of Rs.120/- or in default to undergo rigorous imprisonment for four months. Reference is also invited to the extradition statement for July submitted to Government in which the above information was furnished.

I have the honor to be,
S i r,
Your most obedient servant,

Treasury Assistant Commissioner,
For District Magistrate,
Kolar District.

G. R. S. VI—G/32]

88

ISSUED

SUBMIT

SUBJECT.....

*Diary No. of letter replied to*

Section C

File No. 25

Serial No. 99

General and Revenue Secretariat

( )

, *the* 191 .

Kol 261

Date of issue 14th Sept 1922

To The Secy to the Resident

Signed by M. B. Kaikobad

Sir

In continuation of this office letter no 881 138 of 12-8-1922, and with reference to para (3) of your letter no 2251/52-1500 of 7-9-1922, I am directed to state that the case against no 88 Narayaneramy Medaliar has been disposed of on the 8th August 1922. The accused was convicted under section 406 of I.P.C and sentenced to pay a fine of Rs 1207-

F

P.T. over.

and in default of payment to
undergo 1 years imprisonment for
2½ months

2. ~~A Order of Govt will be~~ A separate communication will be addressed to you ~~to you~~ in due course, as regards the suggestion contained in your letter no 6946 of 30-8-21 regarding the trial of such cases ~~jail offences were under in British~~
courts will be separate under
section 188 Cr.P.C where there are
large number of witnesses residing
outside British India.

Yours etc

for Secretary.

Govt
14/9

9/9
4/9/21

9/9

*List of enclosures.*

*Copied by*

*Examined by*

Ht 23-11-80

87

To

The Secretary to the Hon'ble the Resident
in Mysore, Bangalore.

Pol 5-39
13th December 1922

S i r,

In continuation of this office letter No. Pol. 261 dated 14th September 1922 and with reference to your letter No. 6956/52-1900 dated 30th August 1922 regarding the delay in the disposal of cases against extradited persons, Basappa, Kuppusami and Subba Reddi, I am directed to state as follows

1. ~~That~~ The Government of Mysore agrees with the Hon'ble the Resident that delay in the disposal of criminal cases is a hardship to the accused and that it should be avoided as far as possible. Government have issued specific instructions to the Magistrates to pay special attention to the speedy disposal of cases against surrendered persons. But in the case in question the delay was unavoidable and was due chiefly to the tactics adopted by the accused and his lawyers who wanted to gain time to weaken the case for the prosecutio by winning over the prosecution witnesses. Generally the cases of surrendered persons are disposed of by the Mysore Courts as promptly as possible.

2. As regards the request for the address of the complainants and witnesses to be furnished in cases in which the accused ~~requested~~ require to be surrendered ~~as~~ are British Subjects, I am to state that the Government have no objection to do so but they would desire to point out that if the procedure suggested of trying the accused in British India on a certificate issued by the Hon'ble the Resident under Section 188 Criminal Prodedure Code

be generally adopted. The witnesses residing in the Mysore State will be put to considerable inconvenience and the same result as in the case of Subba Reddi and others may happen. There is therefore the danger of the criminal classes in British India being emboldened to commit offences in Mysore territory with impunity which should be avoided. In the light of these considerations, I am to request that the Hon'ble the Resident may kindly be moved to reconsider the matter and allow the trial of such cases in Mysore as heretofore.

I have etc.

30/11/22

General Secretary to Government.

A 87

32222
P

R. O. 2.—R. P. B.—5—1922.—5,000

No. 10093 Enc.
52-1900.

Pol 82

(89)

From

F. Williamson, Esq., I.C.S.,

SECRETARY TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

GEN & REV. SECTT
P
22 DEC 1922

Dated Bangalore, 21st December 1922.

Subject:—

EXTRADITION OF BRITISH SUBJECTS TO THE MYSORE STATE.

Sir,

In reply to your letter No. Pol.539, dated the 13th December 1922, I am directed to say that in asking the Mysore Government to supply various particulars regarding the cases in which extradition is sought, there was no intention of introducing a radical change in the existing practice. It is definitely prescribed in the rules framed by the Government of India under the Extradition Act that, before issuing an extradition warrant, the Political Agent shall first consider whether a certificate should be given or not, and it is not possible in most cases for the Resident to decide the point unless the particulars indicated in paragraph 2 of Major Plowden's letter No.6946, dated the 30th August 1922, are furnished.

Please see para 6 of the office note in the file

2. The Mysore Government may rest assured that it is only on rare occasions that a certificate would be issued in preference to a warrant.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

G. R. S. VI—G/32]

ISSUE
&
RECORD

SUBJECT.....

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.....

*Diary No. of letter replied to* 3211

General and Revenue Secretariat

( )

, *the* 191 .

Date of issue— 2/2/23

Signed by—

Section

File.No. 23 : 21

Serial No 82

No. 16257-44

To

The district magistrates of Dehradun and Chief Commandant

G.M. no. P.

Dated

The District magistrates of Dehradun and the Chief Commandant Garhwal are requested to furnish, when making applications for the issue of extradition warrants for the surrender of British subjects accused of having committed offences in Nepal

over.

information as to
~~to note~~ the place of residence
of the complainant and the
principal witnesses in each
~~case~~ the case, and
when the warrant has been
issued to communicate the
result of the trial as early
as possible after the conclusion.

By order

30.1.13

In cases in which such accused persons have been arrested & tried by the Magistrate's Courts, the Magistrate's record of the trial should be intimated to Govt. soon after the disposal of each case

Magistrates be
1) printed
2) treated as a Standing order

19/11/13

1911

*List of enclosures.*

*Copied by*

*Examined by*

G. R. S. VI—G/32]

SUBJECT.....

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*Diary No. of letter replied to* 3222

Section C5
File No. ~~25~~ 23-24
Serial No 83.

General and Revenue Secretariat

No. C 10158

, *the* *191* .

To The Chief Commandant

Date of issue 7/4

Signed by

C. M.

The Chief Commandant

is requested ~~to forward Bombay~~ subjects are surrendered for trial as a deserter under the ~~Extradition~~ Indian Act by the Residency, to intimate to Govt the result of the trial, ~~to Govt~~ as soon as ~~the~~ each case is disposed of.

By order

for

4/4 Asst. Secy

of deserters from the Mysore units, who having escaped into Bombay, are surrendered for trial under the Indian Extradition Act

3/7/23 Asst. Secy